



Crl.MP(MD)No.4032 of 2024 in Crl.A(MD)No.279 of 2024

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G.ILANGOVAN, J

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Sessions Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, 2012, in Special Sessions Case No.28 of 2018, dated 14/03/2024 and enlarge the petitioner/A1 on bail, pending disposal of the above said Criminal Appeal.

2.The case of the prosecution brief:-

On 23/11/2025 at about 05.15 pm, the victim girl studying 11th standard in Thirupuvanam Government Higher Secondary School was travelling in the TNSTC Bus to her native village. At that time, the accused namely Muneeswaran @ Chokku misbehaved with her by pulling her shawl, caused assault and abused her in filthy language. On the basis of the complaint given by the de-facto complainant, a case in Crime No.219 of 2015 was registered by the respondent police for the offences under sections 294(b), 323, 506(ii) IPC and 7 r/w 8 of POCSO Act, 2012.

3.After completion of the investigation, the respondent police filed a final report and the same has been taken cognizance in Special SC No.28 of 2018 by the Sessions Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, 2012, Sivagangai.



4.On the side of the prosecution, 11 witnesses were examined and 9 documents were marked. On the side of the accused, 2 witness were witness was examined, but no document was marked.

5.At the conclusion of the trial process, the trial court found the accused guilty of the offence and sentenced him to undergo 3 months imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 2 weeks imprisonment for the offence under section 294(b) IPC; sentenced to undergo 5 years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default to undergo 3 month imprisonment for the offence under section 354 IPC; sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo one month imprisonment for the offence 506(i) IPC; and also sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo 3 months imprisonment for the offence under section 11 r/w 12 of POCSO Act and directed all the sentences to run concurrently.

6.Challenging the conviction and sentence, this appeal is preferred by the appellant. Pending appeal, this criminal miscellaneous petition was taken out by the petitioner/A1 seeking suspension of sentence.



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7.Heard both sides.

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8.Crl.MP(MD)No.4032 of 2024 in Crl.A(MD)No.279 of 2024 moved by the second accused is allowed today.

9.This matter was taken up in the morning session, the learned counsel appearing for the petitioner/A1 would submit that after the above said occurrence, the victim girl was married to some other boy and the matter was compromised between them. It is further submitted that since the first accused is related to the victim girl, he made a proposal, that was wrongly taken by the victim girl and lodged the complaint.

10.Now as stated above, there is change of circumstance and subsequent development took place in the form of compromise between the parties and the victim girl already married to some other boy, no purpose is going to be served in detaining the petitioner/A1 into custody.

11.So without going the merits of the matter, this Criminal Miscellaneous Petition is **allowed** and the substantive sentence of imprisonment alone is suspended and the petitioner/A1 is directed to be enlarged on bail on condition that he shall execute a bond for a sum of



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Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Sessions Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, 2012, Sivagangai and ***on further condition that an undertaking affidavit must be filed by the petitioner before the said court stating that he will not make any trouble to the victim girl*** and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 am until further orders.

23/08/2024

Index : Yes/No
Internet: Yes/No
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To,

- 1.The Sessions Judge,
Principal Special Court for
Exclusive Trial of cases under POCSO Act, 2012,
Sivagangai
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Inspector of Police,
Poovanthi All Women Police Station,
Sivagangai District.
- 4.The Superintendent,
Central Prison,
Madurai.



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